

Carol Morano
100 Loftus Circle
Bridgeport, CT 06606

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 990928-011-030

vs.

Carol Morano, LPN, Lic. No. 018926

MEMORANDUM OF DECISION

Respondent

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated November 16, 1999. (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Carol Morano (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated December 1, 1999, scheduling a hearing for December 15, 1999. Dept. Exh. 1.

Respondent was provided notice of the hearing and of the charges against her. Bd. Exh. A.

The hearing took place on December 15, 1999 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent did not appear at the hearing. The Board continued the hearing to March 15, 2000 to allow respondent additional time to obtain legal representation, but respondent failed to attend that hearing as well. Transcript, March 15, 2000, p. 2.

Respondent failed to submit a written answer to the Statement of Charges. At the hearing on December 15, 1999, the Department moved to have the allegations in the Charges deemed admitted and for a default judgment. The Board granted both motions at the hearing on March 15, 2000. Transcript, March 15, 2000, p. 6.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Licensed Practical Nurse license Number 018926 on December 8, 1980. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 3-C.
2. At all relevant times, respondent was employed as an administrator at Robbins Eye Centers, Bridgeport, Connecticut. Dept. Exh. 3-A21.
3. On December 4, 1996, the Board ordered a Consent Order in Petition No. 960712-011-022 that placed respondent's Licensed Practical Nurse license on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions of Darvocet and Tylenol with Codeine #3. Dept. Exh. 3-A2.
4. Said Order specifically provided that respondent provide monthly therapy reports for the first year with quarterly therapy reports for the remainder of probation and weekly urine screens for the first year with biweekly urine screens for the remainder of probation. Dept. Exh. 3-A5.
5. From August 1998 through September 1999 respondent failed to provide five urine screens. Respondent missed four therapy sessions from May 1998 through June 1999. Dept. Exh. 3-A1.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Respondent held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies, the Board has deemed the charges in the Statement of Charges to be admitted.

Based on its findings, the Board concludes that the Department has met its burden by a preponderance of the evidence. The Board concludes that respondent's conduct as alleged in the Statement of Charges constitutes a violation of probation of her Licensed Practical Nurse license as set forth in a Consent Order dated December 4, 1996. Therefore, respondent's license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

Respondent's Licensed Practical Nurse License No. 018926, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Carol Morano and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 19th day of July, 2000.

BOARD OF EXAMINERS FOR NURSING

By 